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MR

OLC 78-3105

October 20, 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Remarks of William Miller, Staff Director, Senate Select Committee on Intelligence, and Thomas Latimer, Staff Director, House Permanent Select Committee on Intelligence, to the East Asia Chiefs of Station Conference

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1. On the assumption that Mr. Miller's and Mr. Latimer's informal remarks to the East Asia Chiefs of Station Conference on 16 October at the [ ] are of general interest as indications of the directions in which their respective Committees are going, I offer the following summary of their positions.

2. Mr. Miller spoke first and stated:

a. That the period of intense distrust between the Congress and the intelligence agencies has largely passed. He stated that the SSCI has always considered itself a bipartisan Committee with Chairman Bayh and Vice Chairman Goldwater speaking as dual leadership even though there are only 38 Republicans in the Senate. He also stated that the Committee seeks a full representation of opinions, liberal to conservative, in its membership.

b. Mr. Miller traced the history of the Committee from its Church origins in the last Congress in order to lend substance to the assertion of oversight and to conclude that full and unlimited access to information by the SSCI from the Intelligence Community agencies is their absolute requirement. It is clear that Mr. Miller continues to reiterate this point because of the disagreement between Executive and Legislative Branches over Section 152(a) of Title I of the charters.

c. He granted that Intelligence Community agencies have taken unjustifiable knocks for past

SECRET

excesses of Executive Branch policymakers which he regards as unfair.

3. Mr. Latimer then spoke.

a. He disassociates his Committee from the Church Committee heritage in the Senate. He pointed out firmly that the HPSCI represented a new start and felt no continuity with previous attempts at House oversight embodied in the Nedzi period and the Pike Committee implosion. Mr. Latimer stated flatly that the proximate cause of creation of the HPSCI was the need in Fiscal Year 78, for a House counter-part to the SSCI during the authorization cycle of that year with which the Senate Select Committee could conference on the Senate's first attempt at an authorization bill. By and large the HPSCI is a brand new Committee with little interest in investigations of the past. Its principal concern, stated Mr. Latimer, was to establish guidelines for the Intelligence Community agencies. Mr. Latimer paid witness to a reaction in the House against overly restricting the performance of the Intelligence agencies. He stated that this reaction against tying our hands had occurred in a relatively short period of time and had built to a crescendo during House consideration of the Electronic Surveillance bill.

b. With respect to next year's interests of the HPSCI, he described them as follows:

1. The quality of the intelligence product;
2. The cost effectiveness of intelligence gathering;
3. Management of the Intelligence Community agencies. For example, under Executive Order 12036, the

SECRET

Committee had noted that the DCI was becoming more the super comptroller of the Intelligence agencies rather than the super spy master he was in prior days;

4. Secrecy legislation. Mr. Latimer stated the Committee was most impressed by the testimony of Tony Lapham and the Justice Department six weeks ago discussing the difficulties surrounding Executive Branch efforts to prosecute leakers of intelligence information and Agence-type disclosures of agent assets.

4. A question and answer period followed in which the two Staff Directors were asked about the sizes of their Committee staffs. Mr. Miller replied that his staff numbered 50, down from 130 during the halcyon days of the Church Committee. Mr. Miller replied he thought it would remain at the level of 50 for the next several years. He also stated that the Committee made very heavy use of consultants, many of whom were past high officers in the Intelligence Community agencies. Mr. Miller stated that the SSCI had 17 members serving on six-year tours of duty. He indicated that he would prefer to have his staff revolve as well. He also said the SSCI staff was appointed by the personal delegation of its Senate members.

5. With respect to the HPSCI, which is composed of only 13 Representatives, Mr. Latimer stated that his staff numbered 25, all appointed by the Chairman. As to the nature of his staff, Mr. Latimer described it as heavy on military background and thus anxious to emphasize its jurisdiction over "intelligence related" activities. Over one-third of the HPSCI staff claims prior oversight experience according to Mr. Latimer, but many are lawyers with no background in intelligence.

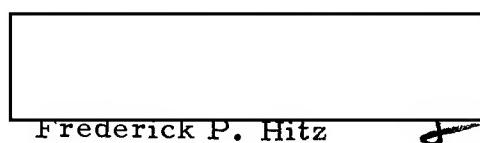
6. Mr. Miller was then asked about the prospect for the charter legislation, S. 2525. Mr. Miller described S. 2525 as a starting point, a proposal, and stated his now oft repeated opinion that unless a consensus on its provisions could be achieved by the Executive and Legislative Branches in a fashion which would permit it to be introduced early in the session (January 1979), in Mr. Miller's judgment, the legislation stands very little chance of passage. He pointed out that the

President has met with the Committee six times in this session on S. 2525 and that it will be his hope as soon as the working group has finished its endeavors, the SCC, the Vice President and ultimately the President, would sit down with the Committee to arrive at a final consensus judgment.

7. Mr. Latimer stated categorically that the House had not yet begun to cope intelligently with the charter legislation. It came to the House without the momentum and without the personal commitment to S. 2525 that exists in the Senate. As a consequence, by inference it is likely to have rougher sledding in the House. Messrs. Latimer and Miller do an analogy between the prospect for charters and the just passed Electronic Surveillance bill where with help from the Senate leadership the bill easily passed the Senate 95 to 1, but had a closer call in the House.

8. Finally, Messrs. Latimer and Miller were asked about the oversight committees' concerns in relationship to CIA's liaison with foreign intelligence services. Mr. Miller stated firmly that the SSCI was concerned only that the U.S. not do by proxy what it is forbidden to do itself under present law. He did recognize, however, the need to protect liaison information. Mr. Latimer took a somewhat harder line. He said that the HPSCI wants to know with what intelligence services we have liaison relationships and what the nature of that relationship is. He stated that the Case/Zablocki Act in his view requires as much and indicated the HPSCI would continue to press for full information on these points.

9. These are the highlights of the presentations by the Staff Chiefs.



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25

Distribution:

All Morning Meeting Participants